

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASON JESSE JAMES, SR.,
Plaintiff,
v.
TRUJILLO, *et al.*,
Defendants

Case No. 1:24-cv-01392-CDB (PC)

**ORDER DENYING PLAINTIFF'S
REQUEST FOR ENTRY OF DEFAULT**

(Doc. 11)

Plaintiff Jason Jesse James, Sr. (“Plaintiff”) is a state prisoner proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

Pending before the Court is Plaintiff's declaration for entry of default, filed on April 28, 2025. (Doc. 11). Plaintiff declares that the record shows that "more than 20 days have elapsed" since Defendants were served by the United States Marshal with a copy of the summons and complaint on November 13, 2024, and "Defendants have failed to answer or otherwise defend" as to the complaint. (*Id.* at 1).

To the extent Plaintiff's declaration is construed as a request for entry of default as to Defendants, the request is denied as the screening of his complaint is pending before the Court and (contrary to Plaintiff's incorrect assertion) Defendants have not yet been served in this action. As noted in the Court's November 14, 2024, first informational order, the Court "is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity" pursuant to 28 U.S.C. § 1915A(a). (Doc. 3 at 3). The order further advised that Plaintiff's action "may not proceed ... until the Court screens [Plaintiff's] complaint

1 and finds that it states a cognizable claim against [the] named defendants" and "[i]f the Court does
2 find a cognizable claim and [Plaintiff] is proceeding in forma pauperis, the Court will direct the
3 United States Marshal to initiate service of the complaint on defendants." (*Id.*).

4 Plaintiff is advised once again that his complaint will be screened in due course. Given the
5 extraordinary case backlog across all judges sitting in the Eastern District of California, delays are
6 regrettable but inevitable.

7 **Conclusion and Order**

8 Accordingly, IT IS HEREBY ORDERED that Plaintiff's construed request for entry of
9 default (Doc. 11) is DENIED.

10 IT IS SO ORDERED.

11 Dated: April 30, 2025



12 UNITED STATES MAGISTRATE JUDGE

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28